

## SENATE BILL No. 273

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4.

**Synopsis:** Unemployment administrative law judges. Requires that an administrative law judge employed by the department of workforce development to hear unemployment claims must be an attorney admitted to the practice of law before the Indiana Supreme Court.

**Effective:** July 1, 2010.

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January 11, 2010, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 273

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-4-17-4, AS AMENDED BY P.L.175-2009,  
2       SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2010]: Sec. 4. (a) The department shall employ one (1) or  
4       more administrative law judges to hear and decide disputed claims.  
5       **After June 30, 2010, an individual employed as an administrative**  
6       **law judge under this section must be an attorney admitted to the**  
7       **practice of law before the Indiana Supreme Court.** Administrative  
8       law judges employed under this section are not subject to IC 4-21.5 or  
9       any other statute regulating administrative law judges, unless  
10      specifically provided.

11      (b) The department shall provide at least annually to all  
12      administrative law judges, review board members, and other  
13      individuals who adjudicate claims training concerning:

- 14           (1) unemployment compensation law;  
15           (2) rules for the conduct of hearings and appeals; and  
16           (3) rules of conduct for administrative law judges, review board  
17      members, and other individuals who adjudicate claims during a



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hearing or other adjudicative process.

(c) The department regularly shall monitor the hearings and decisions of its administrative law judges, review board members, and other individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law and the rules described in subsection (b).

(d) An individual who does not strictly comply with the law and the rules described in subsection (b), including the rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process, is subject to disciplinary action by the department, up to and including suspension from or termination of employment.

SECTION 2. IC 22-4-32-1, AS AMENDED BY P.L.108-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** A liability administrative law judge shall hear all matters pertaining to:

- (1) the assessment of contributions, penalties, and interest;
- (2) which accounts, if any, benefits paid, or finally ordered to be paid, should be charged;
- (3) successorships, and related matters arising therefrom, including but not limited to:
  - (A) the transfer of accounts;
  - (B) the determination of rates of contribution; and
  - (C) determinations under IC 22-4-11.5; and
- (4) claims for refunds of contributions, skills 2016 training assessments, or adjustments thereon in connection with subsequent contribution payments and skills 2016 training assessments;

for which an employing unit has timely filed a protest under section 4 of this chapter.

**(b) After June 30, 2010, an individual employed as an administrative law judge to hear the matters described in subsection (a) must be an attorney admitted to the practice of law before the Indiana Supreme Court.**

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